

LICENSING COMMITTEE

Report Title	10-12 Royal Parade, SE3 0TL Licence No. New App PL		
Key Decision	No		Item No. 3
Ward	Blackheath		
Contributors	Community Services – Licensing Authority Head of Law		
Class	Part 1	Date: 5 March 2019	

Proposal: **New application for a Premises Licence**

Legislation: **Licensing Act 2003**

Premises: **10-12 Royal Parade, SE3 0TL**

Applicants: **Eddie Ertan**

This is an application for a new premises licence

1. Current Licence Status

The premises are currently not licensed.

2. Application

2.1 Particulars of Application applied for:

Late Night Refreshment

23:00 – 01:30 Monday
23:00 – 01:30 Tuesday
23:00 – 01:30 Wednesday
23:00 – 01:30 Thursday
23:00 – 01:30 Friday
23:00 – 01:30 Saturday
23:00 – 00:00 Sunday

Sale of Alcohol for consumption on & off the premises

10:00 – 01:30 Monday
10:00 – 01:30 Tuesday
10:00 – 01:30 Wednesday
10:00 – 01:30 Thursday
10:00 – 01:30 Friday
10:00 – 01:30 Saturday
10:00 – 00:00 Sunday

Regulated Entertainment (Recorded Music/Live music)

10:00 – 01:30 Monday
10:00 – 01:30 Tuesday
10:00 – 01:30 Wednesday
10:00 – 01:30 Thursday
10:00 – 01:30 Friday
10:00 – 01:30 Saturday
10:00 – 00:00 Sunday

Performances of Dance

10:00 – 01:30 Monday
10:00 – 01:30 Tuesday
10:00 – 01:30 Wednesday
10:00 – 01:30 Thursday
10:00 – 01:30 Friday
10:00 – 01:30 Saturday
10:00 – 00:00 Sunday

3. Outline of objections received

- 3.1 The application for the new premises licence was received on 14 January 2019 and sent to all the Responsible Authorities.
- 3.2 There were no representations from any responsible authorities but representations were received from five residents within relatively close proximity to the premises.
- 3.3 The representations received from interested parties, have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 3.4 The application for the new premises licence has been advertised in accordance with Regulation 25; an advert in a local newspaper and a notice prominently displayed at the premises for a period of 28 consecutive days. The last date for receiving representations was the 11 February 2019.
- 3.5 The representations to the new application are made on public nuisance grounds due to concerns over noise from the premises if the hours are extended as well as patrons leaving the venue late at night.
- 3.6 Conditions have been agreed between the applicant and the Licensing Authority and Police.

4. Legal & Human Rights Implications

- 4.1 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

4.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

4. Equalities Implications

5.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties). The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.

5.2 In summary the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between those who share a protected characteristic and those who do not.

5.3 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

6. Application for the New Premises Licence

6.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The licensing committee may:

- 1.) Grant the new premises licence, or
- 2.) Refuse the new premises licence

6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

Short Title of

Date

Document
Application

14 January 2019

Evidence / documents

5 Objection letters / emails as served

Should you require any further information on this report please contact Lisa Hooper at Licensing Services on 020 8314 6324.